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**APPLICATION GRANTED**

**SO ORDERED** 

**VERNON S. BRODERICK**

February 8, 2022

**U.S.D.J.** 02/10/2022

**BY ECF**

Hon. Vernon S. Broderick, U.S.D.J.

Southern District of New York

40 Foley Square

New York, New York 10007

All deadlines are adjourned sine die. The parties are directed to submit a status update on or before June 1, 2022. The parties are also reminded that the Court must approve all FLSA settlements for fairness pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and the Southern District of New York mediation program has experience and mechanisms in place to assist with such settlements.

Re: *King v. Fedcap Rehabilitation Services, Inc., et al.*,  
Case No. 20-cv-01784

Dear Judge Broderick:

We are counsel to Plaintiff in the above-identified matter and we write jointly with counsel for the Defendants to advise the Court that the Parties have agreed to pursue private mediation to attempt to resolve the action without the need for further litigation. In light of the parties' agreement to mediate, the parties jointly request that the Court stay all deadlines, including for issuance of notice, and to adjourn *sine die* further proceedings until after the Parties have concluded mediation and any settlement discussions following mediation. In addition, the parties respectfully request that the Court permit the parties to engage a private mediator in lieu of participating in the mandatory mediation program through the Southern District of New York program.

The parties met and conferred on February 4, 2022, as directed in Your Honor's Opinion and Order granting conditional certification of the FLSA collective on February 1, 2022 [Dkt. 95]. In addition to discussing and agreeing to engage in private mediation, the parties discussed proposed mediators and the scope and manner of any agreed-upon exchange of pre-mediation discovery, and will continue to meet and confer on these issues in the coming weeks. The parties respectfully submit that a stay of further proceedings, including issuance of notice and discovery, will allow the parties to focus their efforts and resources on exploring in good faith a final resolution of this matter. The parties also submit that allowing the parties to jointly select a private mediator with wage-hour expertise and experience handling FLSA and NYLL wage-hour class and collective actions will improve the likelihood of an efficient and successful mediation resolving both this action and the *Aponte* action pending in state court. The Parties will provide a status update to the Court once they have selected a mediator and scheduled a mediation date.

We thank the Court for its kind consideration of this joint request.

Respectfully,

/s/ C.K. Lee

C.K. Lee, Esq.

cc: all parties via ECF